



EMPLOYEE RELATIONS BULLETIN

JUNE 2003

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CREDIT CARD MISUSE

Dave recently found himself a bit short of cash. Unfortunately, he had bills to pay, and the phone company was threatening to cut off his service. He decided to take a little "low interest loan" by making an ATM withdrawal using his Government travel credit card. He figured that it wouldn't be a problem since he would be able to pay the bill with his next check, which he did. A short time later, he was surprised to receive a letter from his agency, asking him to explain the ATM transaction. The letter noted that Government travel cards cannot be used for personal transactions – that they can only be used for certain costs associated with approved Government travel. Dave wrote back, explaining about his bills and his problems with the phone company. He further claimed that he was not aware of the prohibitions regarding the use of the Government credit card. Dave was subsequently suspended from duty for his actions.

In recent months, several employees have gotten into serious trouble because they have used their Government-issued (VISA) travel credit card for unofficial purposes unrelated to Government travel. Employees need to understand what this card can and cannot be used for. They also need to understand their payment obligations. Employees who receive the card have **two primary obligations**. **First**, they are expected to **use the card only for reimbursable expenses related to their official travel**. Appropriate travel expenses include

(but are not limited to) common carrier tickets, lodging, meals, ATM machine withdrawals, the payment of automobile rental and gasoline. The card is not to be used for personal bills, membership fees, or any other personal purchase. **Second**, employees are expected to **pay their bills by the due date printed on their credit card bill**. Failure to do so constitutes failure to pay one's just debts in a timely manner, and may constitute grounds for disciplinary action (see 5 C.F.R.,

CREDIT CARD MISUSE (continued)

Part 2635, Section 101(b)(12)). (NOTE: Employees are expected to submit their travel vouchers within five work days of their return from travel. If on extensive, continuous travel, they are to submit their vouchers every 30 days.)

Dave's claim that he was unaware of the restrictions on using the credit card won't fly very far. Prior to receiving their cards, which are issued by the Bank of America, employees complete an application form. Attached to the form is a document entitled, "AGREEMENT BETWEEN AGENCY/ORGANIZATION EMPLOYEE AND BANK OF AMERICA...." Item 5 on this document reads as follows:

"5. USE OF GOVERNMENT CARD. You agree to use the Card only for official travel and official travel related expenses away from your official station/duty station in accordance with your

Agency/Organization policy. You agree not to use the Card for personal, family or household purposes. Charging privileges on the Card are provided by the Bank of America pursuant to the GSA Contract and the Task Order of your Agency/Organization. No other person is permitted to use the Card issued to you for Charges or for any other reason."

In addition, the cards are all clearly marked as follows: **"For Official Government Travel Only."** Finally, 5 C.F.R., Part 2635, Subpart G, specifies that Government credit cards (both travel and purchase) are to be used for official business expenses only.

Let your employees know that misuse of a Government travel credit card, or failure to promptly pay an outstanding balance, can result in serious disciplinary action.

DISCUSSING CONDUCT & PERFORMANCE PROBLEMS

You have documented your employee's conduct and performance deficiencies, following the guidance provided in the **February 2003 Bulletin**, and now the big question – **WHAT SHOULD I DO WITH ALL THIS STUFF?** You can just keep accumulating it, of course, on the premise that more always has to be better. You can ignore it (always a favorite). The **correct answer**, however, is that in most cases **you need to sit down with the employee and discuss the deficiencies** that you have documented. This is the second step in the process that we began looking at in the February Bulletin. We know what some of you are saying – I liked the other alternatives better. So do most of us, but unfortunately the other alternatives, although initially appealing, do not solve anything. Therefore, unless the conduct is very serious or criminal in nature (e.g., bribery, solicitation and acceptance of things of value, unauthorized removal of Government property, sexual misconduct, workplace violence), you should have that discussion as soon as possible (if your employees are covered by a labor contract that requires such discussions, you will need to have the discussion to comply with the terms of the contract).

So then, here you are, ready for the discussion. Your heart is racing, your hands are clammy, you are hyperventilating, and you feel like your head is going to explode. Okay, perhaps you're not quite ready yet. So take a deep breath, and read on. First of all, you will probably never be totally relaxed in such situations. Most likely, neither will the employee. **One of the most important things you can do to increase both your comfort level and the effectiveness of the discussion is to be prepared – to have a plan/framework for the discussion.** The plan is

DISCUSSING CONDUCT & PERFORMANCE PROBLEMS (Continued)

your road map for where you want the conversation to begin, go, and end. Without it, the conversation may very well go somewhere that you do not want it to go, and end in a result you do not want. The following is a model that you may find useful.

DISCUSSION MODEL

<p>1. <u>IDENTIFY THE PROBLEM/ISSUE.</u> When it is time to meet with the employee, your first task will be to clearly identify the problem or issue that needs to be resolved. The more that an employee understands about a problem, the more likely a solution will be found. It is difficult to solve a problem if it is not clearly understood by the parties, or if the parties have different understandings. To increase your effectiveness, remember to mention the positives (e.g., overall good performance), set ground rules, use clear/plain language, avoid “red flag” words/phrases (words/phrases that make people defensive), be specific and, as necessary, repeat key points.</p> <p>2. <u>ASK FOR AND LISTEN TO THE EMPLOYEE’S EXPLANATION.</u> Communication as a problem-solving tool is effective only if it is two-way. Giving an employee the opportunity to respond gives him/her a chance to vent feelings and frustrations, acknowledges that his/her thoughts are important and being heard, and provides you information that you may not have previously had. It might also make the employee more willing to listen to what you have to say, without interruption. Remember, however, that even though you are now the listener, you need to stay involved in the conversation. You can do this by remaining alert, asking occasional clarifying questions, maintaining good eye contact (look at the employee, not at your shoes or the ceiling), paraphrasing and giving feedback, listening for meaning, and, if necessary, redirecting the conversation back to the topic. Oh yeah, and don’t forget to stay calm if possible and don’t, under any circumstances, respond to anger with anger.</p>	<p>3. <u>ASK FOR THE EMPLOYEE’S SOLUTIONS.</u> If you can get the employee to acknowledge that there is a problem, you are halfway to a solution, since now the question is not whether or not a problem exists, but only how to fix it. If the employee identifies a solution that is acceptable to you, it is more likely that the solution will work because the employee had a part in identifying it.</p> <p>4. <u>DECIDE ON CORRECTIVE ACTIONS.</u> This can be done either verbally or in writing. Putting corrective actions in writing may help the parties recall what they agreed to do, and can serve as a road map for the future. If you and the employee cannot agree on an action plan, you need to tell the employee what actions he/she is expected to take, and the possible consequences if the problem is not corrected.</p> <p>5. <u>DOCUMENT THE DISCUSSION.</u> Documentation should include (1) what the employee was told, (2) how the employee responded, and (3) what corrective actions were identified. The employee should be asked to review/sign the summary, acknowledging its receipt. If he/she refuses to do so, simply note this fact on your copy of the documentation, indicating when and where delivery was made.</p> <p>In future issues of the Bulletin, we will look at some other things that you can do, and should avoid doing, to maximize the effectiveness of the Discussion Model. If you have had discussions with an employee regarding conduct or performance issues, we would like to hear about your successes and failures. Please contact us at ER.Bulletin@aphis.usda.gov.</p>
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DISCUSSING CONDUCT & PERFORMANCE PROBLEMS (Continued)

Sometimes when we talk to our employees, we may need some help. Perhaps the relationship has deteriorated to the point where communication is impossible, or perhaps, for whatever reason, attempting to resolve the problem on your own has not worked. In such cases, mediation or some other form of alternative dispute resolution may be helpful. If so, assistance is available through the APHIS Conflict Prevention and Resolution Program (301/734-4950), the AMS Alternative Resolution Program (866/227-0328; 202/690-3017), and the GIPSA Prevention and Resolution Program (202/690-3640). These programs offer a fast, confidential opportunity to resolve problems through the intervention of a neutral third party.

COMMON DOCUMENTING ERRORS

In the **February 2003 Bulletin** (see page 3), we talked about when, why and how we document conduct and performance problems. As noted, this is the first step in a process that supervisors need to understand in order to deal effectively with conduct and performance problems. Without good documentation, discussing and correcting the problems, the second and third steps, will not be as effective. The following are a few common documenting errors:

1. **THE WRONG STUFF.** **If you don't want certain thoughts or information to be part of the official case record, don't include them in your documentation.** This has become a more common problem today with the advent of e-mail, since there is a tendency to just run messages together without concern about how they enhance or diminish the quality of the documentation. Also, **your personal thoughts** regarding the employee **should not be included.** They don't add anything to the story (who, what, when, where, how), and they may give the employee something to cite in an appeal, grievance or complaint.
2. **ANYONE HAVE A MAP?** Remember as a child when your parents had to put your new toy together from the semi-incomprehensible instructions that were included in the box and then, after hours of frustration, finally had old Uncle Harry, who had a knack for those kinds of things, put the silly thing together. Some of you probably got a second chance at this kind of entertainment when you became parents. Well, the documentation we receive sometimes looks

COMMON DOCUMENTING ERRORS (Continued)

like that unassembled toy to us. It is sometimes difficult to tell what connects to what. Often there are no instructions enclosed, and sometimes we don't have an Uncle Harry to come to our rescue. **Make certain that the documentation that you provide is organized in such a way that the reader can identify how each document relates to a particular conduct or performance issue. This can be done either by placing similar documents together or, if you have organized your documents sequentially by date, by providing a separate outline of the problems documented and how each document relates to a particular problem. If you have a lot of documents, they should be tabbed for easy identification.**

3. **HUH?** Every field has its special terminology and jargon that makes perfect sense to everyone in the field, but not much sense to anyone else. Often the problem is that much of what is compiled as documentation is written to or among employees in a particular work area, where the shorthand terminology makes sense. **One of the most effective things that you can do as a compiler of documentation is to stand in the reader's shoes and ask yourself, "Would the reader, without a background in this field, understand what this means?"** If the answer is likely "no", you will perhaps need to include a list of terms, or otherwise clarify the material.

4. **COULDN'T READ THIS STUFF IF MY LIFE DEPENDED ON IT.** Those who believe that hieroglyphics is a dead language haven't read some of the documentation we have received! If your writing looks like the stuff in Tut's Tomb, **consider typing or printing as an option.** Documentation that can't be read is useless, and making it readable sometimes takes considerable time.

5. **AUTHOR! AUTHOR! (DATE! DATE!).** One way to really annoy the employee relations specialist who is working on your case (and who wants to do that?) is to submit unsigned and undated documents. Both are critical to the defense of a case, should it be necessary. **Any document that you prepare** (as opposed to general, pre-prepared records), **or any document prepared by one of your employees, should be signed and dated.** It would also be helpful if you would either **print or type your name on the document** in the event your signature cannot be read.

In future issues of the Bulletin, we will look at additional documentation problems.

Computer Misuse

Erma has worked for you for several years. Until recently, she has been one of your best employees. Lately, however, her productivity has dropped off noticeably. You have also noticed in recent weeks, as you have passed her desk, that she is often on the internet looking at movie reviews, travel literature, and other personal information. You decide that you need to do something.



Misuse of Government computers has become a serious problem. As a supervisor, you need to make certain that your employees understand the rules governing the use of Government computers, and the possible consequences of misuse, which may include serious disciplinary action. The following are a few guidelines:

1. Employees are permitted to browse the internet sites briefly, on their own time (i.e. before and after work and during designated lunch periods and breaks). However, shopping on websites, browsing sexually explicit sites, conducting unofficial business, gambling, and spending hours of the day online are **NOT** allowed.
2. Employees are permitted limited personal use of e-mail on an occasional basis, provided that the use involves minimal expense to the Government, does not interfere with official business, and takes place during the employee's personal time, as indicated above. However, sending e-mails that contain chain letters, sexually explicit photos/jokes/cartoons, racial/ethnic/sexual remarks, etc., are **NOT** permitted on Government computers at any time. If employees receive such e-mails from others, they should inform the sender that transmitting such messages is not permitted. Under no circumstances are such e-mails to be forwarded to others, unless done to alert the IT staff that unauthorized e-mails have been received.
3. Government computers are subject to random or systematic checks, and may be checked at any time without notice to the employee. Any e-mail messages transmitted to/from or stored on Government computers are the property of the Government. Users who wish to ensure privacy of their communications should use means other than Government e-mail and computers.
4. The Office of Personnel Management clearly states that employees do not have the right to privacy when using any Government office equipment, including internet and e-mail services. Employees are required to protect and conserve Federal property, and may not use it for other than authorized purposes.

In the case study noted above, the supervisor should talk to his/her servicing employee relations specialist to determine an appropriate course of action. Action could include anything from counseling the employee in minor cases to a formal investigation in more serious situations. As always, good documentation of one's observations is essential.

For more information, see AMS Directive 3300.1 (Use of Government Office Equipment), GIPSA Directive 3140.3 (Internet Use and Security Policy) and APHIS Directives 3140.2 (Electronic Mail Security and Privacy Policy) and 3140.3 (Internet Use and Security Policy).

THE ETHICS CORNER

GIFTS FROM OUTSIDE SOURCES

True or False: Employees cannot, under any circumstances, accept a gift from a person or organization who conducts business with their agency.



The answer to this question is *false*. There are some situations where an employee can legally accept a gift from a person who conducts business with their agency. However, the situations are limited, and employees must be very careful that they do not accept anything that is prohibited by law and regulation. To do so can result in serious disciplinary action. Regulations regarding the acceptance of gifts from outside sources are found in Subpart B (Gifts from Outside Sources) of the Office of Government Ethics booklet entitled “**Standards of Ethical Conduct for Employees of the Executive Branch**” (5 C.F.R., Part 2635). This booklet has been provided to all employees of the Executive Branch. Additional or replacement copies of the booklet are available at:

http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html

Despite the limited exceptions cited in 5 C.F.R., Part 2635, **employees are urged to exercise extreme caution** whenever they accept anything from a prohibited source. It is never wrong to just say “no” when offered a gift from a prohibited source. **It is important to remember that public service is a public trust**, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain. Anytime a member of the public sees or hears about a Federal employee accepting a gift from a prohibited source, they are bound to be suspicious. **It is therefore strongly suggested that before accepting anything from a prohibited source, employees ask their supervisor for guidance and, if there is any question regarding the propriety of the gift, get official approval before accepting it.**

QUESTIONS: Questions regarding gifts from outside sources, or any other questions regarding employee ethics, should be directed to **Mary Royster**, Ethics Advisor, at **(202) 720-9858**.

Employees of the **Grain Inspection, Packers and Stockyards Administration (GIPSA)** are prohibited by the U.S. Grain Inspection Act from accepting anything of value from a prohibited source. Therefore, GIPSA employees who must comply with the Grain Inspection Act are prohibited from accepting any unsolicited gift, even if it is equal to or under \$20. Many of the **Agricultural Marketing Service** programs have also made a practice not to accept anything of value from a prohibited source.

THE BULLETIN BOARD



- ✚ Several members of the Employee Relations Staff are involved in a project called **ISO 9000**. ISO 9000 is a method for ensuring continuing quality in the processes that we use. One of our current projects is to review the administrative grievance processes in AMS, APHIS and GIPSA, and apply the ISO 9000 principles to these processes. Some of you may be contacted for your thoughts and ideas regarding these processes, as well as about other projects that are currently being conducted in

MRPBS. If you have any comments/ideas that you would like to share regarding the current grievance processes, please contact us at ER.Bulletin@aphis.usda.gov.

- ✚ Speaking of contacting us, the address noted in the February Bulletin was incorrect. As noted, it should be ER.Bulletin@aphis.usda.gov. The dot between ER and Bulletin was left out in the February Bulletin.
- ✚ One of the most popular videotapes that we have used in our employee relations training is called “**Combating Absenteeism**.” This 19 minute video discusses specific techniques to reduce sick leave abuse, tardiness, absences without leave and more. The tape is very reasonably priced at \$79. Other tapes in the series include “Seven Keys to Effective Discipline” and “Dealing With Insubordination.” These tapes are also \$79, with a \$15 discount if all three are ordered. More information is available by writing to LRP Publications, Dept. 470, P.O. Box 24668, West Palm Beach, FL 33416-4668 (www.cyberfeds.com). Or, if you prefer, just drop us a note at ER.Bulletin@aphis.usda.gov and we will send you a copy of the order form.
- ✚ We are available to provide employee relations training to groups, and to make presentations at meetings. The training we provide for supervisors is designed to teach them the basic skills that they need to carry out their employee relations responsibilities effectively. Subjects include documenting conduct and performance problems, discussing problems with employees, and finding an appropriate corrective action. In addition, we review specific conduct and performance problems, and discuss the available options for dealing with these problems, pitfalls to avoid, and so on. We use various exercises, case studies and videos as part of the training. The training is free. The only expense is the travel costs of the trainer. If you are interested, please contact us at the e-mail address given above, or contact Milo Christianson at 612/336-3215 (for APHIS employees) or Vondell Henson at 202/720-9039 (for AMS and GIPSA employees).

LETTERS TO THE EDITOR

Based on the many cards and letters we have received in response to the first Bulletin, we have decided to initiate a **Letters to the Editor** segment. Okay, so no one has actually sent us a card or letter, or even an e-mail for that matter, but we know that many of you wanted to and were just waiting for a little boost. So to get the ball rolling, we came up with a few of our own letters which, of course, we know some of you wanted to write.



Dear Editor. I work in Maryland. My question is this: Why can't we use our office computer for personal use? I use mine all the time. There is some great stuff out there on the internet, and it makes the day go faster. Anyway, what's the big deal? Ralph.

- ❖ Dear Ralph. So we can answer your question more fully, could you please send us your full name, address, telephone number, and a summary of the personal business you have conducted on your computer. Oh, and if you could also sign and date the summary, that would be great! Seriously Ralph (we know you're just funning with us), personal use of your Government computer is a serious matter. It is considered to be misuse of Government property, and you can get into a whole bunch of trouble by such activity. Take a look at the article entitled "Computer Misuse" that appears earlier in this Bulletin. Also see 5 C.F.R., Part 2635, Section 705.

Dear Editor. My name is Rory. I'm from Texas. My problem is that my employees are making my life a living hell. Each day is worse than the next. I feel like I'm descending into some kind of dark vortex from which there is no escape. What am I going to do?

- ❖ Whoa there cowboy! Take that deep breath we mentioned in an earlier article. Now focus. Remember that you are not in this alone, although it may sometimes seem that way when you are parked out there deep in the heart of Texas. There are many options available, and people to help you. To start, give your servicing employee relations specialist a call. Now take another deep breath. One more. There you go.

Dear Editor. Hello from North Dakota. I just wanted to let you guys know that you are doing a great job, and that we all love you out here. In fact, we consider you to be real role models. Keep up the great work!! Julie.

- ❖ Have you been drinking Julie? No, of course what you have said is completely true. And we love you guys too, and you're all doing a great job out there in the Great State of North Dakota. (EDITORS NOTE: For those of you who have been wondering how to begin your Letter to the Editor, perhaps you might want to model your submission after Julie's. It is well written, succinct, and has about a 99.9% chance of being published.)

SO LET'S START SENDING THOSE CARDS, LETTERS AND E-MAILS. OTHERWISE YOU WILL BE FORCED TO SUFFER THROUGH MORE OF THE ABOVE. (NOTE: THE NAMES OF THOSE SUBMITTING COMMENTS OR QUESTIONS WILL NOT BE PUBLISHED.)

EMPLOYEE RELATIONS DIRECTORY

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